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JC979 U.S. PTO
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02/28/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : JÜRGEN HESCHELER
SERIAL NO. : TO BE ASSIGNED
FILED : HEREWITH
FOR : FLUORESCENT PROTEINS AS CELL-TYPE SPECIFIC
REPORTERS
ART UNIT : 1632
EXAMINER : J. Voitach

February 28, 2002

Hon. Commissioner of Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

SIR:

Pursuant to 37 CFR §§ 1.56, 1.97 and 1.98, Applicants respectfully request that the Examiner consider the references listed on the attached Form PTO-1449.

I. Timeliness, Fees and Certifications in lieu of Fees

- ☒ A. This information disclosure statement is being filed within three months of the filing date of the application, or within three months of entry into the national stage, or before the mailing of a first Office Action on the merits. Pursuant to 37 CFR § 1.97(b), consideration of this information disclosure statement does not

require a fee or a statement under 37 CFR § 1.97(e). However, should the Assistant Commissioner determine that a fee is, in fact, due, the Assistant Commissioner is hereby authorized to charge the fee to Deposit Account No. 14-1263.

- ☐ B. This information disclosure statement is being filed after the period in A above, but before the mailing of either a final action or a notice of allowance. Pursuant to 37 CFR § 1.97(c), consideration of this information disclosure statement requires a fee or a statement under 37 CFR § 1.97(e):
 - ☐ 1. The Assistant Commissioner is hereby authorized to charge the fee set forth in 37 CFR § 1.17(p) to Deposit Account No. 14-1263.
 - ☐ 2. Applicants hereby state that each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.
 - ☐ 3. Applicants hereby state that no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 CFR § 1.56 more than three months prior to the filing of this information disclosure statement.
- ☐ C. This information disclosure statement is being filed after the period specified in B above, but on or before the payment of the issue fee. Pursuant to 37 CFR §

1.97(d), consideration of this information disclosure statement requires a petition, which Applicants hereby request, and payment of the petition fee, which is set forth in 37 CFR § 1.17(i), and which the Assistant Commissioner is hereby authorized to charge to Deposit Account No. 14-1263. Consideration of this information disclosure statement also requires a statement under 37 CFR § 1.97(e):

- ☐ 1. Applicants hereby state that each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.
- ☐ 2. Applicants hereby state that no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 CFR § 1.56 more than three months prior to the filing of this information disclosure statement.

II. Copies of Listed References

- ☐ A. Copies of all references listed on the attached Form PTO-1449 are being supplied.
- ☒ B. Copies of all references listed on the attached Form PTO-1449 have already been supplied during the prosecution of prior application Serial No. 09/446,717, filed April 13, 2000, from which the present application claims priority pursuant to 35 USC § 120. Therefore, pursuant to 37 CFR § 1.98(d), copies of the references

listed on the attached Form PTO-1449 are not now being supplied.

- ☐ C. This application is a PCT national stage application, all references listed on the attached Form PTO-1449 were cited in the international search report, and PCT/DO/EO/903 indicates that both the international search report and the copies of the references listed on the attached Form PTO-1449 are in this national stage file. Therefore, copies of the references listed on the attached Form PTO-1449 are not now being supplied.

III. Concise Statement of Relevance

- ☐ A. All references listed on the attached Form PTO-1449 are in the English language, and, therefore, a concise statement of relevance is not required.
- ☐ B. A concise statement of the relevance of all references listed on the attached Form PTO-1449 that are *not in the English language*, is being provided on a separate sheet.
- ☐ C. All references listed on the attached Form PTO-1449 were cited in the search report issued by the _____ Patent Office, and an English-language version of that search report, which indicates the degree of relevance found by that Patent Office, is attached.
- ☐ D. This application is a PCT national stage application, all references listed on the attached Form PTO-1449 were cited in the international search report, and a copy of that search report, which indicates the degree of relevance found by the International Search Authority, is attached.

- ☒ E. All listed on the attached Form PTO 1449 were cited during the prosecution of the prior application indicated above under II.B.

IV. Additional Information

- ☐ A. In addition to the references listed on the attached Form PTO-1449, Applicants wish to bring to the attention of the Examiner the following abandoned or co-pending U.S. patent applications:

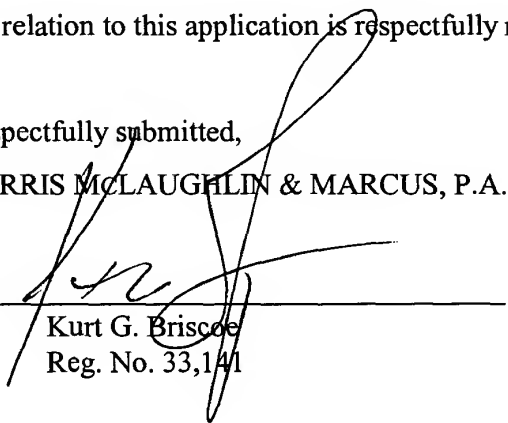
[Pursuant to 37 CFR § 1.98(a)(2)(iii), copies of these applications are not being submitted.]

- ☐ B. In addition of the references listed on the attached Form PTO-1449, Applicants wish to bring to the attention of the Examiner the information provided on the attached sheet.

Consideration of the foregoing in relation to this application is respectfully requested.

Respectfully submitted,
NORRIS McLAUGHLIN & MARCUS, P.A.

By


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U.S. PATENT DOCUMENTS							
Exr. Initial	Document Number	Date	Name	Class	Subclass	Filing Date	
A							
FOREIGN PATENT DOCUMENTS							
	Document Number	Date	Country	Class	Subclass	Translation	
						Yes	No
B							
OTHER DOCUMENTS (Author, Book or Journal Title, Volume, Page Numbers, Date)							
C	VA Maltsev et al., Circ Res., "Cardiomyocytes Differentiated In Vitro from Embryonic Stem Cells Developmentally Express Cardiac-Specific Genes and Ionic Currents," 1994, 75:233-244.						
D	J Rohwedel et al., Developmental Biology, "Muscle Cell Differentiation of Embryonic Stem Cells...Myogenic Determination Genes and Functional Expression of Ionic Currents," 1994, 164:87-101.						
E	E. Koslossov et al., "Functional Characteristics of ES Cell-derived Precursor Cells Identified by Tissue-specific Expression of the GreenFluorescent Protein", Journal of Cell Biology, Vol. 143, No. 7, December 1998, pp. 2045-2056						
F	Gail R. Martin et al., "Differentiation of Clonal Lines of Teratocarcinoma Cells: Formation of Embryoid Bodies <i>In Vitro</i> ", Proc. Natl. Acad. Sci. USA, Vol. 72, No. 4, April 1975, pp. 1441-1445						
G	Weei-Yuarn Huang et al., "Transgenic expression of green fluorescence protein can cause dilated cardiomyopathy", Nature Medicine, Vol. 6, No. 5, May 2000, pp. 482-484						
H	P. Delabesse et al., "Green Fluorescent Protein (GFP) Gene Transfer Into Hematopoietic Cell Lines and ES Cells", Blood Vol. 88, No. 10, Suppl. 1, part 1-2, 1996, p. 295b						
I	Ikawa et al. Development Growth and Differentiation 37:455-459 (8/1995)						
J	Wobus et al. Roux's Archives of Developmental biology 204:36-45 (10/1994)						
K	Wobus et al. Circulation 92(8) -Supplement 1 (10/1995)						
L	Heim et al. Current Biology 6(2):178-82 (2/1996)						
M	Malstev et al. Circulation Research 75(2):233-44 (8/1994)						
N	Chen et al. Journal of Biological Chemistry 270(26):15628-33 (6/1995)						
O	Hammer et al. Journal of Animal Science 63: 269-278 (7/1986)						
P	Wall et al. Journal of Dairy Science 80:2213-24 (1997)						
Q	Mullins et al. Journal of Clinical Investigation 97(7): 1557-1560 (1996)						
R	Moreadith et al. Journal of Molecular Medicine 75:208-216 (1997)						
S	Seamark, RF Reprod. Fertil. Dev. 6:653-7 (2/1995)						
T	Nichols et al. Development 110:1341-1348 (1990)						
U	Piedrahita et al. Threigenolgy 34(5):879-901 (11/1990)						
V	Zernicka-Goetz et al. Development 124:1133-1137 (3/1997)						
W	Li Y et al. "Use of a Green Fluorescent Protein in Studies of Apoptosis of Transfected Cells" "Biotechniques, Bd. 23, Nr. 6, 1997, Seiten 1026-1029, XP002968179 siehe Seite 1027, letter Abstatz						
Examiner:				Date Considered:			